App Γ IX 4

Previous References

1944 Municipal

File No 22-44

Serial Nos 41, 45

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2 — 55

Part B for Jany. 45

SUBJECT

Protest against the acquisition of property
S.No 13 of Hanumanthapura Village
for Water Work — Syed Ismail

Re Syed Ismail, Proprietor
the Himalaya Talkies Bangalore

L 6559 dated 3.1.45

Petition rejected.

2/2

Appeal Petition dy 7-5-43 from Syed Ismail Son of Syed Dawood sab, Proprietor, Himalaya Talkies Bly protesting against the acquisa portion of land ~~in Survey~~ nos in Survey no 13 of Hanumanthapur Village as he is in possession of the land in question for over 120 years etc

1 Submitted with a draft to the ml Comm calling for a report

VKB 11/7 JGK 12/7

2 Draft myte appd

Law reg 14/7/43

3 Cos 13-7-43

4 issue 13/7/43

SECY LAW DEPT 14 JUL 43 TO MYSORE

TYPING SECTION 13 JULY 1943 GEN & REV SECTT

To the ml Comm, Bly ~~two~~

no L 664 dy 15-7-43

Calls for a report in the matter

Letter no LAC 19/38 dy 19-1-44 from the ml Comm, Bly forwarding a report in the matter

Petition dy 11 March 1943 from Mr Syed Ismail, Proprietor, the Himalaya Talkies, Subedarchatram Road, Bly requesting that a portion of the Survey no 13 of the Hanumanthapur Village ordered for acquisition may be withdrawn under section 48(1) of the L A Act

√ Govt A 16/7

69940 45430 5736 L 5742 5866 L

Continuation Sheet | File No / Current No | of | Page

5 Minutes of the Minister Leg & P H on the Petition

"I believe this property has been acquired by the Mcp. Can the Govt at this stage do anything in the matter A note in the matter may be put up early along with the files. A report may be called for also from the Mcp."

QD Hg 10-3-44

6 Subd with a draft letter for appl.-
A copy of the Petition presented to the Dewan is also put up

WIQ 17/3

7 Issue L 14/3/44

To the Mc Commr, Bezp this Dis
No L10010 Dy 27-3-44
Calls for a report with certain information

Sent A 21/4 JM

Reminder issued
No L 12654 Dy 21-6-44

Petn Dy 22-6-44 from Mr Syed Ismail Himalaya Talkies, Bezp, requesting that the sale of the site as fixed for the 24th instant & praying for the grant of a stay order till the Petn is disposed of

Remarks of the Asstt Secy Leg on the Petn

8 Presented by Mr R Venkataramiah

5866 V 8123
L

Advocate for the Petitioner
The sale of the land as fixed for 24-6-44
A stay order is prayed for
The Previous file is found up. The report
Called for from the Mc Comm has not
Yet been received
22.6.44

Reminded
22-6-44

To The Mc Comm, Burg was reminded
Of the early - on 21-6-44 The P.A to the
Mc Comm was reminded thro' phone
on 22-6-44 to submit the report
Sealed with a draft letter as directed
in person
24/6/44 For perusal before

Lawrence

24/6/44

24/6/44

24/6/44

T W DEPT
13 JUL 1944
TYPING SEC
26 JUNE 1944

To The Mc Comm, Burg
No L 12851 Dt 27-6-44
Calls for an early report
Letter No LAC 19/38 Dt 7-8-44 from the
Mc Comm, Burg forwarding an Interim
report in the matter

8123 ✓ 96 ✓ 2504

14) It is reported that the Sub Divn Officer Bhoe has been addressed to furnish information on the points raised in the Petn by Mr Syed Ismail & that a further report will be submitted on receipt of the information

15) It is also stated that the Party has filed a Suit in the Subordinate Judges Court, Bhoe for a declaration of his title to the land, that the Govt Advocate is conducting the case on behalf of the Govt & that the decision of the Court will be intimated

Submitted for perusal

17/8

16) The report of the Govt case is for perusal further report will be awaited

Law Secy 17/8/44

17 Jan perusal

OFFICE OF THE MINISTER FOR L S G & P H
Date 18 8 1944
No 1391

Number 259

Secretariat Dept
Govt

Law
17-8-44

Law
18/8
18-8-44

Law
18-8-44

Law

AHS A
18/8

Letter No LSG 19/38 dt 9-10-44 from the Dte Comm, Bangalore c/f forwarding a report on the matter

Submitted for perusal.

1) The rel Commr reports that the Contentions of the Petitioner are not Valid & that he has no manner of right over the property acquired by the Govt.

2) Submitted for orders

UKS
24/11

21) Mr Jayadeepa - Pl bring this matter a note on the facts of the case

24/11/[illegible]

Submitted with a Note

[illegible]
11/12

Subj — protest application of M Syed Ismail against the acquisition of 2 acres of land belonging to him in Survey No 13 of Hanumanthapur village Bangalore

In May, 1943, Mr Syed Ismail submitted a petition to Government protesting against taking possession of the land leased out to him out of Survey No 13 of Hanumanthapur village, behind the Himalaya Theatres, Bangalore and requesting to withdraw the acquisition proceedings taken by the City Municipality

2-3 From the reports on the subject received from the Municipal Commissioner, the following facts are gathered. —

1) The land bearing Survey No 13 of Hanumanthapur village, is a Devadaya inam endowed to Godavary Dutt It measures 7 Acres and 2 Gunthas Out of this, an area measuring 1 Acre and 5½ gunthas was acquired by the Municipality, for the formation of the Seshadri Road, during 1914 The remaining extent is made up of 1) 11 Gunthas of land let out on 50 years lease, during 1917 and 2) Encroachments and the extent of 4 Acres and 25 gunthas actually acquired by the City Municipality for the formation of Sts The Revenue Sub Division and Tahsildar Officer has, in the light of the available records, reported that the petitioner and others are in possession unauthorised possession of 11 gunthas

WD 0726—(PB—25 000—1, 9 44

In this Survey No it is seen from the report of the Municipal Commissioner that the portion leased out to Mr Syed Ismail lies outside the extent of 4 acres and 25 guntas acquired by the Municipality and that the claim of the party for two acres and odd is not substantiated The lands were all along in the name of the Mutt, whose authorities were apprised of the acquisition

The petitioner says that he got the lands from one Kalyanappa the Founder of the Mutt But as it is an unencumbered Devadaya Inam land, the founder of the Mutt had no power of alienation.

If the petitioner has any grievance, based on valid grounds, he has to proceed against the Inzaran Department and not against the Municipality which has taken the regular acquisition proceedings and made the Inzaran Officer also, a party to it

As it is reported that the petitioner has filed a suit in the Sub-judges Court, Bangalore, the decision of the Court may perhaps be awaited

The report was called for & directed by the Commissioner vide No 3 dtd 2nd Jan 1912 of the above report, no action appears called for on endorsement will be issued to him to the effect that the Govt Courts interfere in the matter

Refer paras 5, 17 & 18 of the note

Laudegy 11/12/12

11/12

LEGY LAW DEPT
1911
GOVT OF MYSORE

The Govt cannot interfere especially as he has filed a suit

as 12.12.45

OFFICE OF THE MINISTER FOR REVENUE & LAW
12 DEC 1944
No 778

2 from immediately. Action was stated on this on 10.3.44 & now we are coming to the conclusion & should have been easily possible to arrive at a conclusion of this kind earlier

28/12

Subd w/ a draft endorsement, for approval

28/12

29/12/45

To the Municipal Comm. B'lore City

Mr Syed Osmand, proprietor, Himalaya Talkies B'lore

No L6353-60 dt 22.11.45 & 3-1-45

States that Govt cannot interfere in the matter.

TYPING SECTION
2 JAN 1945
REVENUE & REV SECTT

B

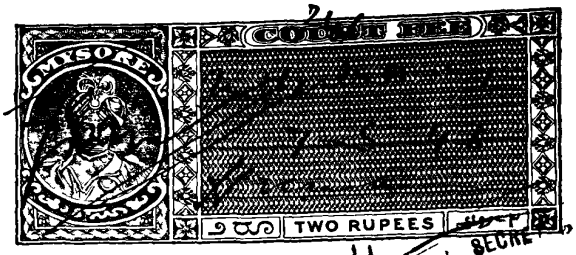
13/1

C F 69J

Cont nuation Sheet | File No / Current No | of | Pa e

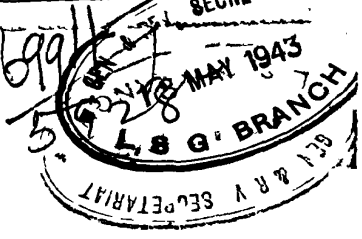
5994

- 5 -



To

The Government of His Highness the Maharaja of Mysore, Bangalore



GENERAL SECRETARIAT
11 MAY 1943

Writ Petition No. of 42 - 43

Petitioner		Respondent
Syed Ismail, son of Syed Davood Sab, Proprietor, Himalaya Talkies, Bangalore City	vs	Government of Mysore

The petitioner begs to state as follows --

Survey number 13 of Hanumanthnagar in Yasaba Hobli, Bangalore North Taluk measuring seven acres and two guntas in all is situated behind Himalaya Talkies, and is shown as Inam to Sri Gangadharayara Mutt. An extent of 11 guntas of this survey number was given in possession of Lessees of whom the petitioner is one in possession of 1 1/2 guntas as a lessee. Out of the remaining portion of this survey number, the petitioner has been in undisturbed possession of about three acres and 43 1/2 guntas of land for the past 120 years having acquired it by purchase and long lease. As the petitioner's title to this land and possession date back to about 120 years, he is entitled to remain in possession as per Inam rules of 1877.

2) A portion of the petitioner's land about 2 acres is included in the acquisition proceedings issued by the City Municipality who acquired four acres and twenty five guntas but the Municipality did not take possession of this land and lay out sites as the petitioner did not deliver possession

3) It is not known how acquisition proceedings were completed regarding the land in the possession of the petitioner as well known and conceded by the Revenue Department when the petitioner was not made a party to the acquisition proceedings and when the petitioner was in dark about these proceedings from the beginning

4) The Taluk office has furnished wrong information to the Acquisition officer that the owner of this land is Sri Goddaravana Mutt and the fact that the petitioner has been in undisturbed possession of this land for the past 120 years or so and that he cannot be disturbed as per inam rules does not seem to have been intimated to the acquisition officer or at least the petitioner's name as one in possession should have been intimated along with the mutt As the petitioner was not made a party to the acquisition proceedings and as no notice was served upon him under sections 9 and 10 of the land acquisition Act, the acquisition proceedings so far as the land in the possession of the petitioner is concerned, are not valid and binding on the petitioner

5) Some municipal employees are making a survey of the land in the petitioner's possession which is included in the acquisition proceedings and are ~~making~~ marking the boundaries of the acquired land The petitioner cannot allow them to stray into his land and make measurements etc when he was no party to the acquisition and when the acquisition proceedings are not legally binding upon him As the initial mistake lies in the Taluk office in not furnishing correct information regarding the possession of portions of land in survey no 13 proposed to be acquired and the acquisition officer has to use

has thus been misled in the matter, It is necessary that the Revenue Department should come to the rescue of the petitioner in the matter and intimate the real state of affairs about the petitioner's possession etc to the Municipality and to recommend to Government for withdrawing from acquisition of the petitioner's land to avoid all further troubles and complications to both parties i.e petitioner and the Municipality

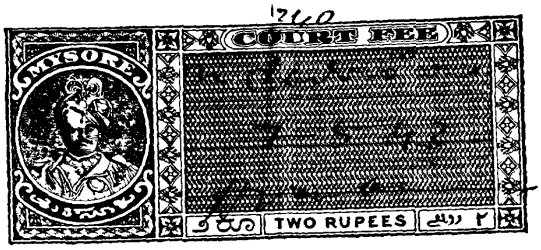
Incidentally it may be stated that an enquiry is pending before the Sub Division officer, Bangalore Sub Division, regarding the resumption of a portion of survey No 13 in the possession of the petitioner i.e petitioner has taken time to state his objections regarding resumption and after an enquiry is completed, the matter has to be decided by Government under Inam rules of 1877 or under section 30 of the Mysore Religious and Charitable Institutions Act

Therefore the petitioner prays that the Durbar Government may be pleased under section 48(1) of the Land Acquisition Act to withdraw from acquisition of an extent of 2 acres of land the portion of the land in the petitioner's possession but wrongly included in the acquisition proceedings Bangalore City, 7th May 1943 shown in the possession of the State

11 Cts Fee

Petitioner

(s) Syed Ismail Sab



12

ಕೊರ್ಟಿಗೆ

1942–1943ನೇ ಇಸವಿ ನಂ

ವಾದಿ ಯೂ ಅರ್ಜಿದಾರ್,

ಪ್ರತಿವಾದಿ ಯೂ ಅಪೋನೆಂಟ್

Vs

ಮಾನ್ಯ ರಾ॥ ಫೀಡರ್ ಜಿ ಶ್ರೀನಿವಾಸಯ್ಯನವರಿಗೆ

ವಕಾಲತ್‌ನಾಮಾ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ವರತಾಗಿ ಆಪೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಿಗಿಸುವ ದಕ್ಕೂ ನನ್ನ ವರ ಆಗುವ ವಿಲ್ಲಾ ವಿಧವಾದ ಲರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರೆಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆಯುವಿಕ್ಕೂ ದಸ್ತೈವಜು ವಸ್ತೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಲಧಿಕಾರ ಕೊಟ್ಟಿಧೇನೆ ಆಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕ ದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಧೇನೆ

ತಾ॥ ಬೆಂಗಳೂರು, ರುಜು

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ

ಇಂಡಿಯನ್ ಪ್ರೆಸ್ ಬೆಂಗಳೂರು ಸಿಟಿ

Appendix F G —1]

SUBJECT

13

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 15/7

Signed by

List of enclosures

Copied by WS 15/7/43

Examined by

Section ML

File No

Serial No

No 664/Ems

To

The ml Commr, Bcij,
thro Pol

Sir,

I am directed to forward herewith a petition in original dated the 7th May 1943, received from Mr Syed Ismail, Son of Mr Syed Dawood Sab, Proprietor Himalaya Talkies Bcij, protesting against the acqn of a portion of S No 13 of Hanumanthapur Village for the reasons stated therein and to request You to be so good as to

WD 04161—GPB—60 000—24 10 41

forward a report in the
matter Very early
The Petition may be
kindly returned with the report

Thanking
Yours
137
for Secretary
11/7 Law Dept

BANGALORE CITY MUNICIPALITY

No L A C 19/38

Encl one two

MUNICIPAL OFFICES

Bangalore 14th Jan, 1944 19

GEN & REV SECRT 4543 2 LSG BRANCH

FROM

P SURYANARAYANA SETTI ESQ BA LLB
MUNICIPAL COMMISSIONER
Bangalore City

To

W C Narayanaswamy Naidu, Esq, B A, B L,

SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

Re Protest application of Mr Syed Ismail, against the acquisition of 2 acres of land belonging to him in Survey No 13 of Hanumanthapur village

---

With reference to your letter No L 664 dated 15-7-1943 forwarding the above protest application of Mr Syed Ismail and calling for a report thereon, I have the honour to invite kind reference to my letter No L A C 19/37 dated 30-6-1942 with which a detailed report had already been submitted on a similar petition from the party It will be seen therefrom that the portion leased out to Mr Syed Ismail in the above Survey No 13, lies outside the extent of 4 acres 25 guntas acquired in the said survey number and that the claim of the party for the 2 acres and odd mentioned in his objection petition is not supported by sanction of Muzrai Department or Government A copy of my letter of the 30th June 1942 is enclosed for favour of ready reference Since it was clear from the records that the lands belonged to the Gudurlah Mutt, a Muzrai Institution, and as the claim of the party was not substantiated, he was not made a party in the acquisition proceedings The petition in original received with your letter under reference is herewith returned

I have the honour to be,
Sir
Your most obedient servant,

P Suryanarayana Setti
Municipal Commissioner

Forwarded with compliments

[illegible]

[illegible]

Letter No L.AC 19/37-38 dated 30th June 1942 from the Municipal Commissioner, Bangalore City, to the Secretary to Government, Law Department, Bangalore

---

With reference to your letter No L 11653 dated 16th June 1942, forwarding for a detailed report with the connected records, a petition of Syed Ismail Sab, protesting against taking possession of the land leased out to him out of survey No 13 of Hanumanthapur village etc ; I have the honour to state that 4 acres and 25 guntas of open land in survey No 13 of Hanumanthapur village, Bangalore Taluk, belonging to Godumah Mutt, has been acquired excluding the portions leased out to certain parties and the portions encroached upon by certain other parties The possession of the said extent of land has been made over to the Municipality by the Sub Division Officer and Muzrai Officer, Bangalore Several sites have been auctioned already in the acquired area

The said survey No 13 of Hanumanthapur village was an inam land endowed to Sudiriah Mutt which is a Muzrai Institution Accordingly the Muzrai Officer and Sub Division Officer, Bangalore was issued a preliminary notice under Sections 9 and 10 of the Land Acquisition Act The Muzrai Officer has appeared and filed a written statement on behalf of the Muzrai Institution It is seen from the written statement filed by the said Officer that about 9¾ guntas of land in survey No 13, has been leased to Govindappa and Ismail Sab The said 9¾ guntas of land leased out to Govindappa and Ismail Sab lie outside the area of 4 acres and 25 guntas now acquired for the formation of sites The lease that has been sanctioned for 50 years from 1917-18 in Government Order No 806-7/Muz 13-24-4 dated 29th April 1924 is only in respect of 9¾ guntas and Ismail Sab was not a party in the Mutchalika executed as per Government Order dated 29-4-1942 Further the claims of Ismail Sab for the lease of 2 acres and odd, have not been supported by sanction of Muzrai Department or Government

The entire records relating to the lease of several bits of land in survey No 13 of Hanumarthapur village may be called for, for reference from the Muzrai Commissioner in Mysore, Bangalore

The petition of Ismail Sab in original and the entire acquisition records relating to L A Case No 19/37-38, are herewith sent for favour of kind perusal and early return

'Copy'

T Sreenivasa Murthy
Municipal Commissioner

ksm

To

The Minister
for Local Self Government & Public Health etc,
Departments,
To the Government of His Highness the
MAHARAJAH OF MYSORE
BANGALORE

GEN & DEV SEC 5736 11 MAR 1944 LAS G BRANCH

OFFICE OF THE MINISTER FOR L S G & P H Date 11 3 44 No P 1019

PETITIONER - Syad Ismail,
Proprietor,
The 'Himalaya Talkies'
Subedarchatram Road,
BANGALORE CITY.

SECTT 11 OCT COURT FEE

UNDER SECTION 48(1) OF MYSORE LAND ACQUISITION ACT:- Petitioner begs to state as follows:-

Petitioner is son of one Dawud Sahib, who had a brother by name Hussain Sab The latter died issueless about the year 1905 The paternal grand-father of petitioner was one Syed Ismail

2 Petitioner and his elders mentioned above have been in possession of a substantial extent out of Survey No 13 Hanumanthapur village - Bangalore North Taluk, since at least a Centuary and a half part of this was acquired under sale deed so far back as the year ~~1894~~ 1849 described as [illegible] in document evidencing it and executed by one Muniyappa in favour of petitioner's ~~grand-father~~ paternal uncle for a sum of Rs 100/- Muniyappa himself was the son of Yellappa to whom Kalyanappa effected a sale in the year Swabhanu corresponding to 1824 The said Kalyanappa was the founder of Godburayana Mutt to which the entire survey number belonged The extent covered by the

the said sale deeds was 2 acres

3 Another portion of one Acre and twenty three and half guntas was alienated by the same Founder Kalyanappa to Govindamma under a document of - permanent lease dated 3-3-1843, the annual lease prescribed being Rupees Ten The said Govindamma transferred her rights to Hussain Sab, the petitioner's uncle, under document dated 30-5-1864 petitioner is the sole heir to and legal representative of his uncle Hussain Sab

4 As a result of these transactions, petitioner is entitled to a total extent of 3 acres and 23½ guntas of survey number 13, (2 acres as full - owner, 1 acre 23½ guntas as permanent lessee) Accordingly kandayam has been collected from - Petitioner's elders since at least 1845 so far as records now available with the petitioner show

5 Although the land comprised in the survey No was Inam to the Godhurayana Mutt, it ceased to be its property more than a Centuary back - consequent on the alienations mentioned above by the Founder of the Mutt and the ~~acquiescence~~ acquiescence in recognition and ratification of the same by the successors to the office of the founder and management of its property The officers of the Revenue and Muzarai Departments of Government are also well aware of this

6 In proceedings from time to time, statements of petitioner's elders and the Government officers have been recorded and in the course of all these the rights of petitioner's family have been uniformly reiterated and no one has ever disputed the same

same (Vide C S No 31 of 1890 of Nandydrug Division Court

7 It is learnt that proceedings were started some years ago for the acqusition of a portion of survey No 13, but no notice whatever was ever issued to or served on petitioner although he and his family have been in continuous uninterrupted possession of a substantial portion of the property relating to the acqusition in their own right from a very long time The reason for not notifying the petitioner is not apparent Since however petitioner's possession was and is not affected and he was not appraised of anything which may prejudice his rights he continued to be in peaceful possession of the property

8 Last year, on being informed that certain exparte acqusition proceedings are carried on without the knowledge of the rightful owners and claimants and as a result of which the Government intended to dispose of the property to third parties the petitioner filed a petition to Government and to the Deputy Commissioner Bangalore pointing out the injustice and hardship caused to petitioner No reply has been received till now to this nor is petitioner afforded an opportunity to represent his case

9 While matters stand thus petitioner is surprised and given to understand that Government are about to grant the property absolutely to private persons

10 The petitioner expected that at least after the personal representation to the Dewan Sahib last week during his inspection of the [redacted] the

the petitioner filed by him would receive consideration and he would be heard Till now there is no prospect of this

11 Since the matter involves very heavy material interests and there has been no enquiry into and adjudication of petitioner's claims so far, justice demands that petitioner should be accorded an opportunity to represent and prove his claim and that till it is decided no stranger or third party should intermeddle with it

12 Petitioner has prima-facie a bonafide, valid - claim to the property which is evidenced by ancient documents undisturbed possession for more than three generations, payment of kandayam etc , It may also be stated that the petitioner's possession dating back to 1853 cannot be disturbed or questioned in view of the provisions of the Inam Rules of 1877 which have the force of Law and also proviso to Section 30 of the Mysore Religious and Charitable Institutions Act

13 That the claim is not a novel one and not put forward to seek any advantage is clear from records of Government and also Civil Court which show that more than 30 years back the right was advanced and conceded

14 Questions of title relating to other portions of the same survey number are pending enquiry before the Amildar Bangalore North Taluk The result in that case would have a material bearing on the portions said to be acquired and about to be disposed of

15 The property is very valuable Irreparable loss and hardship will befall the petitioner if without a proper determination of his claims and rights, the property is given away to others

16 It is also very significant that while no public purpose for the acqusition is so far made out and the property remains in possession of the petitioner till now, there is obviously no need at present, to enforce the rights of Government in the matter Considerations of justice and equity both require that the case calls for the acqusition being dropped under section 48(1) of the Land Acqusition Act

17 Petitioner unoerstands that with a view to derive gain, some well to-do persons are zealous in securing the property for themselves The object with which the acqusition was started was not to be benefit private individuals and as already - stated the proceedings relating to it cannot in fairness bind petitioner in the absence of notice to him

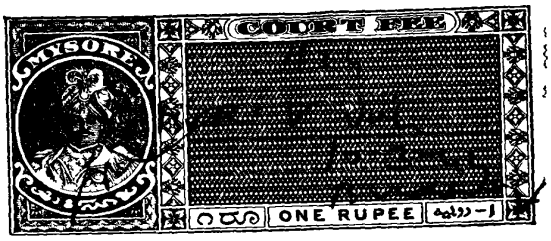
18 Having regard to the material stake involved, the important questions pending decision, it is - earnestly prayed that the acqusition of the property be with-drawn under Section 48(1) of Land Acquisition Act and petitioner enabled to continue as full owner of the property and till then no grant or disposal of the property in favour of any one be ordered

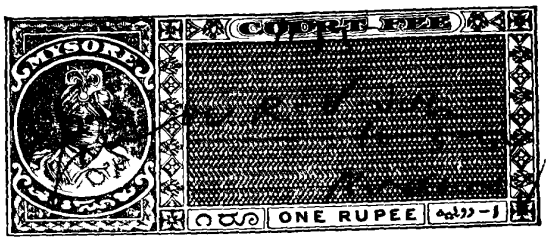
(Copies of all relevent documents are herwith enclosed for kind perusal) 1 & 32 Pages

Bangalore City
D 10-3-1944

R Venkata Ramaya
ADVOCATE

(Sd) P Edwin Syed Ismail
PETITIONER:





Before the Minister for Local Self & Public Health Depts
& the Government of His Highness
the Maharaja of Mysore
Bangalore

1943-1944 ನೇ ಸಾ ಸಾ ನಂ

ವಾದಿ-ಯೂ ಅರ್ಜಿದಾರ್ ಪ್ರತಿವಾದಿ ಯೂ ಅಪೋನೆಂಟ್

Syed Ismail } Vs { Government

ಆಥ್ಲಾಕೆದೆ ಆರ ಕಂಪನಿಯಲ್ಲಿ
ಮುll ರಾll ~~ಫೈಡರ್ ಜಿ. ಶ್ರೀನಿವಾಸಯ್ಯನವರಿಗೆ~~ ಎಂಬ ವಿಳಾಸದ

Syed Ismail ಮೂ ಪಲ್ಟಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಪೈರುವರಿಗೂ ಕೋರ್ಟನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೇನೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಧೇನೆ

ಬೆಂಗಳೂರು
ತಾll 10/3/44 ರುಜು

(ಸಹಿ) Syed Ismail

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ

D Bunkatti Ramaiya
Adv

ಇಂಡಿಯನ್ ಪ್ರೆಸ್ ಬಿ ಸಿಟಿ

3812/R

GEN & REV SCT
15 MAR 1944
REVENUE BRANCH

To

THE DEWAN OF MYSORE,

BANGALORE

GEN & REV SCT
5866
16 MAR 1944
L S G BRANCH

PETITIONER - Syad Ismail,
Proprietor,
The 'Himalaya Talkies'
Subedarchatram Road,
BANGALORE CITY

UNDER SECTION 48(1) OF MYSORE LAND ACQUISITION ACT - Petitioner begs to state as follows:-

Petitioner is son of one Dawud Sahib, who had a brother by name Hussain Sab The latter died issueless about the year 1905 The paternal grand-father of petitioner was one Syed Ismail

2 Petitioner and his elders mentioned above have been in possession of a substantial extent out of Survey No 13 Hanumanthapur village - Bangalore North Taluk, since at least a Centuary and a half ~~x~~ part of this was acquired under sale deed so far back as the year ~~1894~~ 1849 described as ಕಲಮು ಸಂಖ್ಯೆ ಮತ್ತು ಹಳ್ಳಿ ಹೆಸರು ಕೊಡಿ in document evidencing it and executed by one Muniyappa in favour of petitioner's ~~grand-father~~ paternal uncle for a sum of Rs 100/- Muniyappa himself was the son of Yellappa to whom Kalyanappa effected a sale in the year Swabhanu corresponding to 1824 The said Kalyanappa was the founder of Godhurayana Mutt to which the entire survey number belonged The extent covered by the

the said sale deed was 2 acres

3 Another portion of one Acre and twenty three and half guntas was alienated by the same Founder Kalyanappa to Govindamma under a document of - permanent lease dated 3-3-1843, the annual lease prescribed being Rupees Ten The said Govindamma transferred her rights to Hussain Sab, the petitioner's uncle, under document dated 30-5-1864 petitioner is the sole heir to and legal representative of his uncle Hussain Sab

4 As a result of these transactions, petitioner is entitled to a total extent of 3 acres and 23½ guntas of survey number 13, (2 acres as full - owner, 1 acre 23½ guntas as permanent lessee) Accordingly kandayam has been collected from - Petitioner's elders since at least 1845 so far as records now available with the petitioner show

5 Although the land comprised in the survey No 13 was Inam to the Godhurayana Mutt, it ceased to be its property more than a Centuary back - consequent on the alienations mentioned above by the Founder of the Mutt and the ~~acquiesence~~ acquiescence in recognition and ratification of the same by the successors to the office of the founder and management of its property The officers of the Revenue and Muzarai Departments of Government are also well aware of this

6 In proceedings from time to time, statements of petitioner's elders and the Government officers have been recorded and in the course of all these the rights of petitioner's family have been uniformly reiterated and no one has ever disputed the same

same (Vide O S No 31 of 1890 of Nandydrug Division Court

7 It is learnt that proceedings were started some years ago for the acqusition of a portion of survey No 13, but no notice whatever was - ever issued to or served on petitioner although he and his family have been in continuous uninterrupted possession of a substantial portion of the property relating to the acqusition in their own right from a very long time The reason for not notifying the petitioner is not apparent Since however petitioner's possession was and is not affected and he was not appraised of anything which may prejudice his rights he continued to be in peaceful possession of the property

8 Last year, on being informed that certain exparte acqusition proceedings are carried on without the knowledge of the rightful owners and claimants and as a result of which the - Government intended to dispose of the property to third parties the petitioner filed a petition to Government and to the Deputy Commissioner - Bangalore pointing out the injustice and hardship caused to petitioner No reply has been received till now to this nor is petitioner afforded an opportunity to represent his case

9 While matters stand thus petitioner is - surprised and given to understand that Government are about to grant the property absolutely to private persons

10 The petitioner expected that at least after the personal representation to the Dewan Sahib last week during his inspection of the spot the

the petitioner filed by him would receive consideration and he would be heard Till now there is no prospect of this.

11 Since the matter involves very heavy material interests and there has been no enquiry into and adjudication of petitioner's claims so far, justice demands that petitioner should be accorded an opportunity to represent and prove his claim and that till it is decided no stranger or third party should intermeddle with it

12 Petitioner has prima-facie a bonafide, valid - claim to the property which is evidenced by ancient documents undisturbed possession for more than three generations, payment of kandayam etc , It may also be stated that the petitioner's possession dating back to 1853 cannot be disturned or questioned in view the provisions of the Inam Rules of 1877 which have the force of Law and also proviso to Section 30 of the Mysore Religious and Charitable Institutions Act

13 That the claim is not a novel one and not put forward to seek any advantage is clear from records of Government and also Civil Court which show that more than 30 years back the right was advanced and conceded

14 Questions of title relating to other portions of the same survey number are pending enquiry before the Amildar Bangalore North Taluk The result in that case would have a material bearing on the portions said to be acquired and about to be disposed of

15 The property is very valuable Irreparable loss and hardship will befall the petitioner if without a proper determination of his claims and rights, the property is given away to others.

It

16 It is also very significant that while no public purpose for the acqusition is so far made out and the property remains in possession of the petitioner till now, there is obviously no need at present, to enforce the rights of Government in the matter Considerations of justice and equity both require that the case calls for the acqusition being dropped under section 48(1) of the Land Acqusition Act

17 Petitioner understands that with a view to derive gain, some well to-do persons are zealous in securing the property for themselves The object with which the acqusition was started was not to be benefit private individuals and as already - stated the proceedings relating to it cannot in fairness bind petitioner in the absence of notice to him

18 Having regard to the material stake involved, the important questions pending decision, it is - earnestly prayed that the acqusition of the property be with-drawn under Section 48(1) of Land Acquisition Act and petitioner enabled to continue as full owner of the property and till then no grant or disposal of the property in favour of any one be ordered

(Copies of all relevent documents are herwith enclosed for kind perusal).

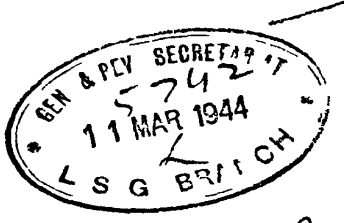
A Similar petition duly stamped was presented to the Ministry for Land Requirement on 10-3-1944 vide Varadaraja & Document

Bangalore City
D(3-3-1944

(Sd) Syed Ismail
PETITIONER:

R Varadaraja Ayanga
Adv for Petr

2 C



BEFORE THE MINISTER FOR LOCAL SELF GOVERNMENT
AND PUBLIC HEALTH DEPARTMENTS TOTHE
GOVERNMENT OF HIS HIGHNESS THE MAHARAJAH
OF MYSORE BANGALORE

PETITIONER - Syed Ismail, Proprietor of the
'Himalaya Talkies'
Subedarchatram Road, Bangalore City

MEMO

In connection with the petition filed before the Minister on 10-3-44 praying for withdrawal from acquisition of 2 acres of land in S No 13 of Hanumanthapur village Bangalore North Taluk belonging to the petitioner he begs to submit herewith for reference a copy of the Petition dated 7-5-43 presented to Government in the matter which is referred to in para 2 of the above petition

(sd) Syed Ismail

Bangalore City
11-3-44

PETITIONER

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJAH OF MYSORE BANGALORE

MUZ PETITION No CF 42-43

PETITIONER - Syed Ismail, son of Syed Davood Sab, Proprietor, Himalaya Talkies, Bangalore City

Vs

RESPONDENT - Government of Mysore

The petitioner begs to state as follows -

Survey No 13 of Hanumanthapur in Kasaba Hobli, Bangalore North Taluk measuring seven acres and two guntas in all is situated behind Himalaya Talkies, and is shown as Inam to Sri Godoorayana Mutt An extent of 11 guntas of this survey number has been in possession of Lessees of whom the petitioner is one in possession of 1½ guntas as a lessee Out of the remaining portion of this survey number, the petitioner has been in undisturbed possession of about three acres and 23½ guntas of land for the 120 years having acquired it by purchase and long lease As the petitioner's title to this land and possession date back to about 120 years, he is entitled to remain in possession as per Inam rules of 1877

2) A portion of the petitioner's land about 2 acres is included in the acqusition proceedings instituted by the City Municipality who acquired four acres and twenty five guntas but the Municipality did not take possession of this land and layour sites as the petitioner did not deliver possession

3) It is not known how acqusition proceedings were

were completed regarding the land in the possession of the petitioner as well known and conceded by the Revenue Department when the petitioner was not made a party to the acquisition proceedings and when the petitioner was in dark about these proceedings from the begining

4) The taluk office has furnished wrong information to the Acqusition officer that the owner of this - land is Sri Godoorayana Mutt and the fact that the petitioner has been in undisturbed possession of this land for the past 120 years or so and that he cannot be disturbed as per inam rules does not seem to have been intimated to the acquisition officer or at least the petitioner's name as one in possession should - have been intimated along with the mutt As the petitioner was not made a party to the acqusition proceedings and as no notice was served upon him - under sections 9 and 10 of the Land acquisition Act, the acqusition proceedings so far as the land in the possession of the petitioner is concerned, are not valid and binding on the petitioner

5) Some Municipal employees are making a survey of the land in the petitioner's possession which is included in the acqusition proceedings and are marking the boundaries of the acquired land The - petitioner cannot allow them to stray into his land and make measurements etc , when he was no party to the acqusition and when the acqusition proceedings are not legally binding upon him As the initial mistake lies in the Taluk Office in not furnishing correct information regarding the possession of portions of

land

5 2

land in survey No 13 propsed to be acquired and as the acqusition officer has thus been misled in the matter It is necessary that the Revenue Department should come to the rescue of the petitioner in the matter and intimate the real state of affairs about the petitioner's possession etc , to the Municipality and to recommend to Government for withdrawing from acqusition of the petitioner's land to avoid all further troubles and complications to both parties i e , petitioner and the Municipality

Incidentally it may be stated that an enquiry is pending before the Sub-Division officer, Bangalore Sub-Division, regarding the resumption of a portion of survey No 13 in the possession of the petitioner The petitioner has taken time to state his objections regarding resumption and after an enquiry is completed, the matter has to be decided by Government under - Inam rules of 1877 or under section 30 of the Mysore Religious and Charitable institutions Act

WHEREFORE the petitioner prays that the Benign Government may be pleased under section 48(1) of the land Acqusition Act to with-draw from acqusition an extent of 2 acres of land in the petitioner's - possession, but wrongly shown in the acqusition proceedings as the land in the possession of the Mutt

Bangalore City
7th May 43
D/ xxx8x44

Sd/-Syed Ismail
Petitioner

" Copy "

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 27/3/44

Signed by Mr GRR

T-S
Pl make copy

List of enclosures

Codied by

Examined by

Section M[illegible]

File No

Serial No

No L10010

To The Secl Commr, Bombay

Sir,

With reference to your letter no LAC 19/38B 19-1-44, ~~from~~ I am directed to forward herewith a copy of the Petition dated the 10th March 1944 received from Mr Syed Ismail Proprietor, the Himalaya Talkies, Subedarchatram Road, Bombay to gether with its enclosures in original (32 in number) requesting that a portion of survey no

WD 4161—GPB—60 000—24 10 41

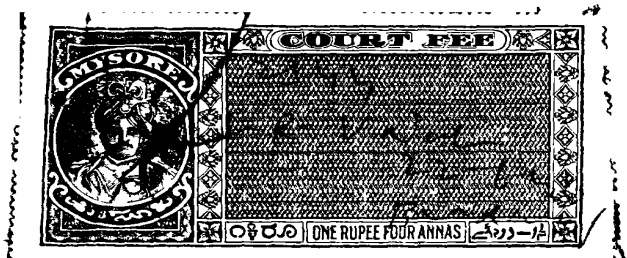
13 of Hanmanthapur Village
~~forest proposed for acquisition~~
not acquired as ~~proposed~~ sanctuary
may be withdrawn etc, and
to request you to be so good
as to forward a detailed report
in the matter at very early

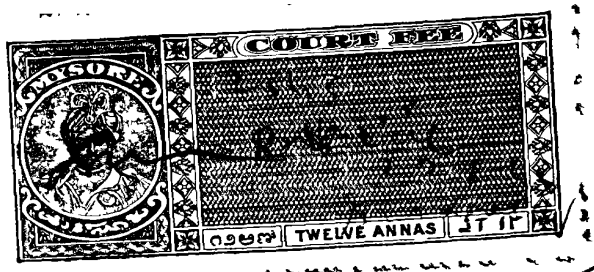
In View of the documents produced
by him, it may be briefly stated
whether anything can be done to him
in the matter at this stage
He enclosures to the petition maybe kindly returned
with your report yours

Thanks etc

Yours sincerely

17/3 Law Secy

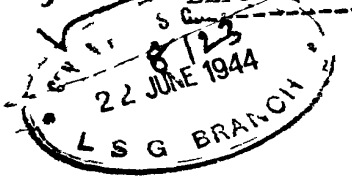




BEFORE THE GOVERNMENT OF H H THE MAHARAJAH OF MYSORE,

BANGALORE

5866



Petitioner No - /43-44

Petitioner --

Syad Ismail,
Proprietor,
'Himalaya Talkies'
Bangalore

Petitioner begs to state as follows --

1 That in March 1944 a Petition was presented to the Hon'ble ~~XXXXX~~ Minister for Local Self Government and other Departments of Administration explaining the injustice and hardship caused to Petitioner by virtue of certain proceedings relating to acquisition of Survey No 13, Hanumanthapur Village (situated near Gold Thread Factory, Bangalore City) (Copy enclosed)

2 It is mentioned in the Petition that the proceedings are exparte and Petitioner though prima facie the owner of the property and in possession of the same for long was not notified about it

3. ~~XXX~~ further no public purpose was sought to be served by this

4 The questions raised are pending enquiry An earnest request was made in person that the property should not be disposed of to any one by Government till the Petition was disposed of one way or other

Presented by Mr R Venkatasubramanya, Advocate for the petitioner Mr Salem fixed for 24 6 44 A stay order is prayed for pending the previous file is put up the report called for from the Commr has not yet been received

Lawyer reply 24/6/44

Records 22 6 44

5 Meanwhile the said Property is notified for sale by Bangalore City Municipality on 24-6-44

6 If it is held, the Petition pending adjudication will become ~~infructuous~~ infructuous and complications will set in by intervention of rights of third parties. Moreover Petitioner may be unjustly subjected to contingency of force and coercive steps being adopted against him to give up possession of the property

7 The ends of justice require that the property should be status quo and sale or disposal otherwise of the property be directed to be stayed till disposal of the matter finally, by Government

8 A copy of the Petition was submitted to the Dewan Sahib also after presentation of the same to the Hon'ble Minister

9 Petitioner is anxiously awaiting an opportunity to prove his rights to the satisfaction of the authorities and the hurried disposal of the prop rty at present is not called for and not fair

It is prayed that orders be kindly issued forthwith for stay of sale notified to be held on 24th instant by Municipality, Bangalore A copy of the sale notification is herein enclosed

Bangalore,)
22-6-1944)

(Sd Illegible)
Petitioner

R Venkata Ramayya
Advocate

BEFORE THE ... V ... OF HIS HIGHNESS ... OF MYSORE BANGALORE

... 11 ... 10 ... 3-11

PETITIONER:- Syed Ismail, Proprietor, The 'Himalaya' Talkies, Subedar-Chatram Road, Bangalore City

... 48 ...
ACT - petitioners begs to state as follows:-

Petitioner is son of one ... Sahib, who had a brother by name Hussain Sab. The latter died issueless about the year 1900. The paternal grand-father of petitioner was one Syed Ismail.

Petitioner and his elders mentioned above have been in possession of a substantial extent out of Survey ... Hanumanthapur Village Bangalore Taluk since at least a centuary and a half. Part of this was acquired under sale deed so far back as the year 1819 described as ... in document evidencing it and executed by one ...aniyappa in favour of petitioner's grand-father for a sum of Rs.100/- ...aniyappa himself was the son of Yellappa ... Kalyanappa effected a sale in the year ...wabhanu corresponding to 1825. The said Kalyanappa was the founder of Godduraya... Mutt to which the entire survey number belonged. The extent covered by the said sale deeds was ... acres,

... portion of ... acre and twenty three and half guntas was alienated by the said founder Kalyanappa to

to Govinda Pandara under a document of lease dated 3-5-1083, the annual lease prescribed at 1 Rupees ten. The said Govindamma transferred her rights to Hussain Saib the petitioner's uncle under document dated 30-5-1091. Petitioner is the sole heir to and legal representative of his uncle Hussain.

As a result of these transactions, petitioner is entitled to a total extent of 3 acres and 23 cents out of survey No. 13, (2 acres as full owner, 1 acre 23 cents as permanent lessee). Accordingly Kandayam has been collected from petitioner's elders since at least 1016 so far as records now available with the petitioner show.

Although the land comprised in the survey No. was Inam of the Pothiyanda Mutt, it ceased to be its property more than a century back in consequence of the abolition enforced above by the Madras State Mutt and Inam acquired on recognition and rectification of the sale by Inam holders to the officers of the founder and management of its property. The officers of the Revenue and Judicial departments of Government are also well aware of this.

In proceedings previous to this, statements of petitioner's elders and the Government officers have been recorded and in the course of all these, the rights of petitioner's family have been uniformly and no one has ever disputed the same. (Vide W.P. No. 31/1090 of Madhyadrugdivision court.

It is learnt that proceedings were started some years ago for the acquisition of petitioner's survey No. 13, but no notice whatever was ever issued to or served on petitioner and his family. Have

been in continuous uninterfered possession of a substantial portion of the property relating to the acquisition within own right from a very long time the reason for not notifying the petitioner is not apparent since however petitioner's possession was and is not affected and he was not apprised of anything which may prejudice his rights he continued to be in peaceful possession of the property

Last year, on being informed that certain ex parte acquisition proceedings are carried on at out the knowledge of the rightful owners and claimants and as a result of the government intended to dispose of the property to third parties filed a petition to government and to the deputy commissioner bangalore pointing out the injustice and hardship caused to petitioner no reply has been received till now to this day is petitioner afforded an opportunity to present his case

while matters stand thus petitioner is surprised and to ascertain that government are about to grant the property absolutely to private persons

the petitioner expected that at least after the personal representation to the deputy commissioner last week during his - absence from the seat the petition filed by him would - [illegible] would be heard till to[illegible] thereby no prejudice [illegible]

[illegible] the matter involves very heavy material interests [illegible] has been no enquiry [illegible] and adjudication of petitioner's claims as of right, justice demands that petitioner should be heard an opportunity to represent and prove his claim and [illegible] any stranger or third party should [illegible]

petitioner is prima facie a bonafide, valid claim the property which is enjoyed by him [illegible] [illegible]

payment of kandayam etc . It may also be stated that the petitioner's possession during pendency of litigation by tenure or question in view the provisions of the Revenue - rules of 1877 which have the force of Law and also, proviso- to section 30 of the Mysore Religious and Charitable Institution.

That the claim is not a novel one and not put forth to seek any advantage is clear from records of Government - and also civil court which show that more than 30 years back the right was advanced and conceded

questions of title relating to other portions of the land survey number are pending enquiry before the North Taluk The result in that case would [illegible] bearing on the portions said to be acquired ought to be disposed

The property is very valuable Irreparable hardship will be fall the petitioner if without proper determination of the claims and rights, the property is given away to others

It is also very significant that while the purpose for the acquisition is [illegible] the property remains in possession of the petitioner till now the respondent is obviously no need to prevent, to safeguard the rights Government in the matter Considerations of [illegible] require that the case calls for [illegible] under section 4a of the Land Acquisition

Petitioner understands that with [illegible] gain, some well to-do persons [illegible] their property for themselves [illegible] acquisition was started not to benefit private [illegible] already stated the proceedings relating to [illegible] petitioner in the absence of notice

Having regard to the material stated above the important questions needing decision It is earnestly prayed that the acquisition of the property be withdrawn under Section 48 of Land Acquisition Act and and petitioner enabled to continue as full owner of the property and till then to grant or dispose of the property in favour of any one ordered

(Copies of all relevent documents are herewith enclosed for kind perusal

[illegible]
D/ [illegible] -3-1944

[illegible]

BANGALORE CITY MUNICIPALITY

A 7 D R 22/43 Notice dated 10th June 1944

The undermentioned Building Sites formed in Gandhi Nagar (acquired portion of Goduriah Mutt) Bangalore City will be sold on the spot by public auction on **Saturday the 24th June 1944** and on subsequent days at 9 A M by the Municipal Commissioner Bangalore City Municipality or any other Officer deputed by him in this behalf

1 The Municipal Commissioner reserves to himself the right to accept or refuse any bid without assigning any reason

2 The sale is subject to the confirmation of the Bangalore City Municipal Council

3 The purchaser whose bid is accepted shall deposit 25 per cent of the amount of his bid at once on the spot and the balance shall be paid within thirty days from the date of sale in default of which the deposit made by him shall be forfeited and the site resold at the risk of the purchaser

4 The purchaser shall within thirty days from the date of confirmation of sale before delivery of the site be required to execute an agreement on a Ten anna Stamp Paper binding himself (*a*) to construct over the site a house according to a design to be approved by the Municipal Council within a period to be specified in the agreement Such period shall not ordinarily exceed one year in the case of buildings costing Rs 5,000 and (*b*) to start construction within six months

5 Failure to comply with the condition agreed to by the party as above mentioned will involve the resumption of the site by the Municipal Commissioner free of all encumbrance and without any claim to compensation

6 The site which has been designed as a unit will not be allowed to be split up into two or more house sites

7 Not more than one dwelling house will be permitted to each unit site described above

8 A minimum width of 15 feet open space between the front compound wall and the main building and a minimum open space of 5 feet on each side and rear of the main building with no out house will be insisted on A garage will however be permitted touching the rear compound wall The total area built upon including out houses etc shall not exceed two thirds of the whole area of the site

9 The kitchen bath room etc shall be built providing such facilities as the Municipality may advise for the escape of effluvia, smoke etc so as not to endanger the health of the main dwelling portion

10 The Municipal Commissioner shall have the power of fixing generally the type of frontages to be adopted for building on any street or road

11 No room shall be less than 8 feet wide not less than 10 feet long and ›t less than 10 feet high

12 No material of a perishable or combustible nature shall be permitted in e construction of the building

13 The building shall be roofed with terrace only

14 The levels of floor bath latrines and drain holes shall be fixed by the unicipality and proper cement lined drains shall be constructed by the parties to ad off sullage and sewage from the premises into the Municipal drain or pe line

15 No pit shall be dug on the sites for earth for building purpose All rth for building or raising the level of the floor etc shall be obtained from such aces as may be directed by the Municipal Commissioner

16 A final title deed will be given to the original purchaser only after the ilding ha been completed with all the conditions above stated in the stamped per produced by s le purchaser under provisions of Stamp Act

17 Dimensions of sites noted below in tne Schedule are approximate

18 The plan of the site to be auctioned may be inspected in the Office of e Municipal Commissioner during the office hours on working days

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SCHEDULE

GANDHI NAGAR

Site No	Measurement
5	$\frac{65+42}{2} \times 90$
7	47' x 70
8	47' x 70'
9	$\frac{50+66}{2} \times 70$

P SURYANARAYANA SETTI
Municipal Commissioner

Viswananda Power Press B City —2000

967/A
1944

L/1285/827/6

To The ml Comm. Bcly

Sir I am directed to invite reference to this office letter no L 10010 dy 27-3-44 and the subsequent reminder no L 12654 dy 21-6-44 calling for a report on the Petition of Mr Syed Ismail, Proprietor, Himalaya Talkies, Kuledarchavram Road, Bcly, requesting that a portion of Survey no 13 of Hanumanthapur Village may not be acquired etc, and to forward a copy of the petn dy 22-6-44 received from the same Petitioner praying for the issue of orders staying the sale of the said property fixed for the 24th instant.

It is not clear how the sale of the property in question was proposed to be held otherwise but without forwarding Revert

The Report called for by the Court at Worms
~~have been~~ ~~expected~~ ~~which has been~~
~~taken steps for the report to be forwarded to the Court~~
I am to request that the report called
for may be forwarded to the Court at
~~the~~ ~~three~~ months'
~~date of this~~ ~~reading~~ ~~of the declaration~~ ~~being~~
~~the~~ ~~latest~~ ~~may be known~~
~~established~~
The matter may be thereby
treated as ~~immediate~~ extremely urgent

I have etc
for
Secretary of State
for
War Office

21/6

I Enc
21/6

767/A

CCC 1944

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No *Dated Bangalore* June 1944.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Municipal Commissioner,
Bangalore City

Sir,

I am directed to invite reference to this office letter No L 10010 dated 27th March 1944 and the subsequent reminder No L 12654 dated 21st June 1944 calling for a report on the petition of Mr Syed Ismail, Proprietor, Himalaya Talkies, Subedarchatram Road, Bangalore City, requesting that a portion of S No 13 of Hanumanthapur village may not be acquired etc , and to forward herewith a copy of the petition dated 22nd June 1944 received from the same petitioner praying for the issue of orders staying the sale of the said property fixed for the 24th instant It is not clear how the sale of the property in question was proposed to be held without forwarding the report called for by Government and obtaining orders thereon I am to request that the report called for may be forwarded at once with reasons for the delay of three months in sending up the

same

The matter may be kindly treated as extremely urgent

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Law Department.

sr

BANGALORE CITY MUNICIPALITY

A C 19/38 MUNICIPAL OFFICES 967/4

Encl Bangalore 7th Aug 1944

FROM

P SURYANARAYANA SETTI ESQ BA LLB
MUNICIPAL COMMISSIONER
Bangalore City

GEN & R V SECRET 10 AUG 1944

To

W. C. Narayanaswamy Naidu, Esq B A B L,
Legal Remembrancer and
Secretary to Government,
Law Department,
Bangalore

SIR

Subject - Regarding the protest application of Mr Syed Ismail Proprietor, Himalaya Talkies against the acquisition of land belonging to him in S No 13, Hanumanthapur Village, Bangalore

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With reference to your letter os L 10010/41 dated 27-6-1944 and L 12851/41 dated 27-6-1944, calling for submission of a detailed report on the above subject, I have the honour to state - that an extent of 4 acres and 25 guntas of land was acquired out of S No 13 Hanumanthapur Village belonging to Goduriah Mutt (Inzrai Institution) and possession of the same was taken from the Sub Division Officer, Bangalore Sub Division the Inzrai Officer in charge of the Mutt

In the said acquired land, sites were formed and already some were disposed of except four sites which were sold by public auction on 24-6-1944 as notified for sale With regard to the contention of the Proprietor, Himalaya Talkies, on the subject the Sub Division Officer Bangalore has been addressed to furnish information on the points raised in the petition On receipt of reply from him, a detailed report will be submitted to Government in the matter

If the party has got any claim over the land in question, he will have to approach the Inzrai Department from whom the Municipality has taken possession of the land in question

In the meanwhile, Mr Syed Ismail has already filed a suit in the Subordinate Judge's Court, Bangalore (O S No 17/43-44) for declaration of his title to the land in question The Municipal

Municipal Advocate is conducting the case on behalf of the Municipality. The decision of the Court will be sent to you in due course.

I have the honour to be, Sir
Your most obedient servant

Municipal Commissioner

Forwarded with compliments

Honorary President

mlt

BANGALORE CITY MUNICIPALITY

No LAC 19/38 — MUNICIPAL OFFICES

Encl 3241/40 Revenue copy — Bangalore 9th October 1944

FROM

P SURYANARAYANA SETTI ESQ BA LLB
MUNICIPAL COMMISSIONER
BANGALORE CITY

2504

SECY LAW DEPT 11 OCT 10 A.M. GOVT OF MYSORE

C Narayanaswamy Naidu, Esq , B A , B L ,
Legal Remembrancer & Secretary to Govt,
Law Department, Bangalore

SIR

Subject - Regarding protest application of Mr Syed Ismail, Proprietor, Himalaya Talkies, - against the acquisition of land belonging to him in S No 13, Hanumanthapur village

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In continuation of this Office letter No LAC 19/38, dated 1-8-1944, on the above, I have the honour to forward herewith a copy of a detailed report of the Bangalore Sub Division Officer, for favour of kind reference

It is seen therefrom that the contensions of Mr Syed Ismail are not valid and he has no manner of right over the property acquired by the Municipality All the enclosures received with your letter No L 10010/41 dated 27-3-1944 are retransmitted herewith

I have the honour to be,
Sir,
Your most obedient servant,

P. Suryanarayana Setti

Municipal Commissioner

Forwarded with compliments

C. Narayanaswamy

Letter No B1-Pr 290/43-44 dated 28th August 1944 from the Sub Division Officer, Bangalore, to the Municipal Commissioner, City Municipality, Bangalore

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With reference to your Memo No L&C 19/38 dated 9-5-44 forwarding copy of petition of Mr Syed Ismail, Proprietor, Himalaya Talkies, Bangalore Cnt, dated 10-3-1944 addressed to the Minister, Local Self Government claiming right to a portion of land acquired by the Municipality for Gandhinagar and requesting to withdraw from the acquisition etc , I have the honour to state that land bearing survey No 13 of Hanumanthapur village, Bangalore North Taluk, is a Devadya inam endowed to Godhurayana Mutt It measures 7 acres 2 guntas Out of this, 1 acre 5½ guntas was acquired by the Municipality as per G O, o R 5403-5 L R 215-13-2 dated 16-1-1914 for laying out Seshadri Road The remaining extent in this Survey o is 5 acres 36½ guntas

At the outset the proposal was to acquire 5 acres 34 guntas out of the remaining extent This could not be done as there were protests by the persons who were unauthorisedly occupying some portions of the land and hence acquisition was limited to only 4 acres and 25 guntas which was recommended and sanctioned

From the records available in the Bangalore North Taluk Office, it is made out that unauthorised occupation of 11 guntas in this land by Mr Syed Ismail and others on which buildings had been put up was discovered and after some correspondence, some portions thus occupied unauthorisedly were continued in their possession by a lease for fifty years on an annual ground rent of s 30/- as per G O No 1190-91/Huz 604-16-2 dated 23-11-1917 On 1-7-1938 when a statement was recorded before the then Sub Division Officer, Mr Fydaralikhan, Thayappa, Thimmarayappa and Syed Ismail, objected to the proposed acquisition referred to above on the ground that they had erected huge buildings as the land which had been leased out to them for 50 years and that as they had 30years more for the lease to lapse, etc , they should not be disturbed Even then none of them produced any reference to show that they had more land in their possession and enjoyment than what had been leased out to them

The extent thus in their occupation by lease was 11 guntas only which was sanctioned for 50 years If Mr Syed Ismail or any others had any superior rights on any extent in excess of 11 guntas at the time of the sanction of the lease, it was for them up to them to have produced references in support thereof But they did not urge such claims

The title to the land that he claims is from one Kalyanappa, stated to be the founder of Godhurayana Mutt This is not borne out from the records Even granting that Kalyanappa was the founder of the Mutt, he had no powers of alienation, the land being an unenfranchised Devadaya inam land and the alienation, if any, if it had come to notice, could have been anulled if the orgianl alienees had applied for recognition of their rights in the Revenue accounts They did not choose to do so The land has all along been in the name of the Mutt whose authorities were appraised of the acquisition There was no need to notify the fact of acquisition to the petitioner who was only a lessee of a portion lying inside the plot proposed for acquisition His (Syed Ismail's) present plea that he did not know the acquisition proceedings is not acceptable as notifications and declarations have all been duly notified in the Gazette and awards passed under the Acqn Act

If any civil proceedings are instituted under such -

Copy w c to the Mi

such circumstances, it may not bind the Luzrai authorities

"Copy"

Municipal Commissioner

ksm

Endorsement no ~let~

L-6559 — Mil — 2-44-42 —

3/1/45

C R S App F G 3

GENERAL AND LEGAL SECRETARIAT

(*Continuation sheet draft form*)

To Mr Syed Ismail

proprietor

The Himalaya Talkies

Subedar Chathram Road

Bangalore city

In reply
with reference to his petition
dated 10-3-44, addressed to the
Minister for Labour &c, and
subsequent representations protest-
ing against the acquisition of a
portion of S No 13 of the
Hanumanthapura Village, by the
Bangalore city Municipality, for
a cattle shed, Mr
Syed Ismail is informed that
Government cannot interfere
in the matter

2) The enclosures (16 32 pages)
~~accompanying the~~ presented with his petition
are herewith returned

Bo

for
Secy to Govt
Labour Dept

Memo no 6560 D 3/1/45

Copy w c to the Hon

WD 0505—GPB—22 500—8 11 35

Commissioner, Bangalore City.

For information and reference to the correspondence enclosed with his letter No. CR/9/35 dt. 9-10-44

B-O

for Secretary to Govt.
Home Dept.

Pages 1-54